

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

WESTCODE, INC.,

Plaintiff,

Civil Action No.

3:15-CV-1474 (MAD/DEP)

v.

mitsubishi electric
corporation, llc,

Defendant.

APPEARANCES:

OF COUNSEL:

FOR PLAINTIFF:

PHILLIPS CAMPBELL &
PHILLIPS, LLP
314 N. Middletown Road
Lima, PA 19037

PATRICK C. CAMPBELL, ESQ.

HANCOCK ESTABROOK LLP
1500 AXA Tower I
100 Madison Street
Syracuse, NY 13221

JOHN G. POWERS, ESQ.
ASHLEY D. HAYES, ESQ.

FOR DEFENDANT:

JENNER & BLOCK LLP
1099 New York Avenue
Suite 900
Washington, DC 20001-4412

WILLIAM C. PERICAK, ESQ.
CATHERINE L. STEEGE, ESQ.
JOEL T. PELZ, ESQ.
TERRENCE J. TRUAX, ESQ.

DAVID E. PEEBLES
CHIEF U.S. MAGISTRATE JUDGE

ORDER

Currently pending before the court in connection with this action is a motion brought by defendant Mitsubishi Electric Corporation ("MELCO") to stay discovery in the matter pending disposition of two motions currently before District Judge Mae A. D'Agostino, including a motion to dismiss and a separate motion to compel arbitration. Plaintiff, Westcode, Inc. ("Westcode"), has opposed the motion. On March 10, 2016, oral argument was heard in connection with MELCO's motion. At the conclusion of the hearing, I issued an oral decision denying the motion and consolidating this action with a separate, but related, case involving the parties, *Mitsubishi Electric Corp. v. Westcode, Inc.*, No. 3:15-CV-0505, solely for purposes of discovery.

Based upon the parties' written and oral presentations, and the court's bench decision, which is incorporated herein by reference, it is hereby

ORDERED as follows:

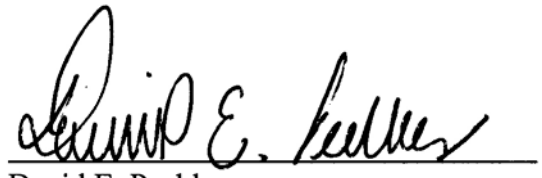
(1) Defendant's MELCO's motion to stay discovery (Dkt. No. 49) is DENIED without prejudice.

(2) This action and *Mitsubishi Electric Corp. v. Westcode, Inc.*, No. 3:15-CV-0505, are hereby consolidated for purposes of discovery only but shall remain separate for all other purposes, without prejudice to the parties'

rights to request, or for the court to order *sua sponte*, consolidation of the two actions for all purposes in the future once all currently pending motions in the two cases have been decided.

(3) No costs or attorney's fees are awarded to any party in connection with defendant's motion.

Dated: March 11, 2016
Syracuse, New York

A handwritten signature in black ink, appearing to read "David E. Peebles", is written over a horizontal line.

David E. Peebles
U.S. Magistrate Judge